REMARKS

It is the belief of the applicant that the rejection of Claims 1-5 are the result of an error in the Office Action and for the following reasons. Referring to the rejection of Claim 1,the Miche invention, 5,742,235 is stated to be patentable over the present invention.The singular pole to Miche is actually two contactor,whereby in the specifications the present invention has two sets of two contactors.While the claims to the present invention show a singular pole,the technology of the physical appearance depict a much different device verified by the drawings.The movable horizontaly disposed relay bar (2) to Miche is actually a flat spring,and its horizontal disposition makes it appear to be a relay bar. The present invention relay bar is resting on the vertical portion of the frame housing.The Miche invention shows the flat spring resting in a notched portion on (3) the base. The relay bar to the present invention has a notch but is not recessed like the Miche invention.The present invention notch is a notch in the relay bar,whereby Miche has a un-notched flat spring misunderstood to be a relay bar and installed into a dadoed recess in the base.The present invention has no dados in its design. The base (3) to Miche is completely different as to shape and engineering.The present invention has a weight connected to a relay bar,disposed below the relay bar right of center.The Miche invention has a weight (1) disposed above the flat spring (2) to the left end of the device.

The 'means for providing weight for movement in earthquake or violent shock' to the present invention are by far a much different means than the Miche invention.The present invention by the specification has designed the **weight 16** to be counterbalanced by the **spring 12** ,which is a round spring and not a flat spring to Miche (2).The Miche invention utilizes the tension of a flat spring (2) to keep weight (1) held in upright position until an earthquake or violent shock causes the movement to resist the tension of the flat spring (2).

The balance acheived by the Miche invention is by the tension inside a flat spring.The present invention acheives a centered balance between two sets of two contactors.The Miche invention has only two contactors and they are not held in position by the same manner as the present invention.The present invention uses a round **spring 12** and not a flat spring to Miche (2). The disposition of the present invention to react in an earthquake are designed different than the Miche patent.

The present invention **relay bar 9** rests on the vertical upright of **base portion 14**,creating a pivot effect and thereby together with **spring 12**,which is a round spring and not a flat spring (2) to Miche,keeps the relay bar suspended between two sets of two contactors.Also,the present invention differs in that the **relay bar 9** does not have any contactors on it.The flat spring (2) to Miche has one contactor attached to its end.

It is therefore noted that flat spring (2) to Miche has been confused with **relay bar 9** of the present invention.The theory of operation understood by reading the specification to Miche,are completely different than the present invention,whereby the present invention reacts to an earthquake if the relay bar gets out of center to the contactors.It can trip in either a down or upwards shock.The Miche invention can only react to a downward shock,or react to the next reverberation after the initial shock. While there may be visual similarities,the present invention is too much different to be comparable to Miche.

Referring to the Beckman patent,this device is beyond the scope of the present invention as it uses electrically charged contactors as well as liquid mercury to react in an earthquake or violent shock.The mention of a housing is not consistent with the present invention claim 1 'having a frame housing extending horizontally as a base portion and extending vertically connectably to a upper portion in such a manner as to support the upper members and a notched portion in said assembly to enable the connection of the upper members to frame',as the office action automatically assumes that the word 'housing' involves a plastic dome around the invention.No cover,dome or enclosure were mentioned in the specification or claims regarding the present invention.

The present invention deliberately never disclosed a plastic cover or enclosure for the device as a method to prevent extra references from being applied to this invention.Beckman discloses a housing for his patent,and Miche never disclosed a housing.

Referring to Claim 2,the present invention still indicates that the invention is a coilless relay.While Miche and Beckman also have coilless relays,Miche discloses in the specification and the drawings of a coil used in conjunction with the invention.

Referring to Claim 3,both Miche and Beckman do not have relay bars,they have contactors.The Miche patent shows a flat spring (2) with a contactor 4a at the left end. Beckman shows a transducer 34-37,but not a relay bar.Neither patents operate the way the present invention functions.

Referring to Claim 4,the relay bar is connected to a weight, and if seen comparably,Miche does not have a relay bar,he has a flat spring (2).The weight that the relay bar in the present invention is connected to is below the relay bar,comparably Miche has a weight above the flat spring.The disposition of the weight in the present invention is under the relay bar and right of center.The relay bar of the present invention is a solid bar and is not flexible like flat spring (2) to Miche.The location of the weight in the present invention is obviously different and anyone having ordinary skill in the art would never have been able to know where the present invention would have placed the location of the weight.

Referring to Claim 5,Miche discloses a non-adjustable shock actuated relay,Beckman discloses an adjustable device.What Beckman is adjusting the device to is much different.His device detects resonance and reacts to a violent shock with liquid mercury.The contacts are adjustable,however there are capacitors and resistors involved in the invention.The unit uses electricity as a method to respond to shock.The present invention uses no electricity.

cont.

Responding to Miche in view of Beckman,Miche has two contactors,Beckman has five.In the Beckman patent,electricity is used at all times to sense the vibration and the contactors make an electrical connection to the responding part,usually another contactor.In the Miche patent,contactor make contact with contactors.The present invention is the only device that has a relay bar.Neither references have a relay bar,only contactors.Since the present invention probably invented a relay bar,the references have failed to show that they have the same apparatus.

The present invention differs strongly from the references in that each reference uses a contactor to connect to a contactor.In each reference,one contactor connected to one contactor.The present invention relay bar 9 is a single piece of metal with no contactors and it makes contact with two contactors in one motion.This is not true with both the references.The Miche patent shows one contactor making contact with one contactor.The flat spring (2) also has a contactor as one unitary part.The Beckman patent shows a gold plated contact wire (54) which makes a connection to contact point (58).The plating of the contact wire is inconsistent with the present invention as the present invention uses a solid non-flexible relay bar that does not have any plating or points.Both references only make contact in one direction whereby the present invention doubles the effort and can make contact in either a down thrust or an upward thrust.The present invention also doubles the contact potential by relaying two contactors simultaneously instead of only one.

It would have been obvious to one having ordinary skill in art at the time of the present invention to know and understand that the present invention out performs the references,and for obvious reasons verified by the specifications and the claims.

John Ernest Elwart

John Ernest Elwart 1-24-04

Applicant

10/02,597

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Therefore it is submitted that patentable subject matter is clearly present.If the examiner agrees but does not feel that the present claims are technically adequate,applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07 (j).

John Ernest Elwart

John Ernest Elwart 1-24-04
Applicant

10/002,597